

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION  
www.flmb.uscourts.gov**

In re:

Case No. 8-19-bk-01929-CPM  
Chapter 13

Timothy Gerald Thiel

Debtor.  
\_\_\_\_\_

**TRUSTEE'S MOTION TO DISMISS CASE FOR FAILURE  
TO COMPLY WITH FIRST DAY ORDER OF ONE OR MORE  
DEFICIENCIES AND RESCHEDULING §341 MEETING OF CREDITORS**

JON M. WAAGE, the Chapter 13 Standing Trustee, hereby moves for the entry of an Order of Dismissal and in support thereof would state as follows:

1. The Debtor's Petition for Relief under Chapter 13 of the Bankruptcy Code was filed on March 07, 2019.
2. A §341 Meeting of Creditors was scheduled on April 09, 2019, pursuant to the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines, a copy of which the Clerk of the Bankruptcy Court mailed to all parties in interest on or about March 13, 2019. The Debtor appeared at the aforementioned §341 Meeting of Creditors, but failed to file or provide all required documentation.
3. The Debtor's failure to file tax returns, as required under 11 U.S.C. §1308 constitutes an unreasonable delay that is prejudicial to creditors and constitutes grounds for dismissal pursuant to 11 U.S.C. §1307(c)(1) and (c)(3) et seq.
4. The Debtor's failure to file or provide all required documentation, including the documentation listed below, as required under Title 11 of the United States Bankruptcy Code constitutes an unreasonable delay that is prejudicial to creditors and constitutes grounds for dismissal pursuant to 11 U.S.C. §1307(c)(1) et seq.
5. It appears as though the Debtor has failed to provide at least seven **(7) days prior** to the §341 Meeting of Creditors the Chapter 13 Trustee with copies of tax returns for the two years preceding the petition date and copies of all pay stubs, advices, or documentation of income sources ("Payment Advices") for the six month period before they filed.

6. The Debtor's §341 Meeting of Creditors shall be rescheduled to **April 30, 2019 at 2:00 p.m.**, at Timberlake Annex, 501 East Polk Street, Suite 100-B, Tampa, Florida 33602.

7. In the event the Debtor fails to attend the rescheduled §341 Meeting of Creditors and fails to provide at least seven **(7) days prior** to the §341 Meeting of Creditors the Chapter 13 Trustee with copies of tax returns for the two years preceding the petition date and copies of all pay stubs, advices, or documentation of income sources (Payment Advices) for the six month period before they filed, the Trustee shall submit to the Court an Order dismissing the above styled Chapter 13 case.

**WHEREFORE**, the Trustee respectfully requests that the Court enter an Order of Dismissal for the above-styled Chapter 13 case, together with such other and further relief as the Court deems just and proper.

/s/ Sarah K. Olsen  
Sarah K. Olsen, Esquire  
Florida Bar No. 44714  
Staff Attorney for Chapter 13 Trustee  
P.O. Box 25001  
Bradenton, Florida 34206-5001  
Phone: (941) 747-4644  
Fax: (941) 750-9266

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was furnished, electronically and/or by U.S. Mail to **Timothy Gerald Theil**, 1163 85<sup>th</sup> Terrace North, Unit D, Saint Petersburg, FL 33702, this 11<sup>th</sup> day of April, 2019.

/s/ Sarah K. Olsen  
Sarah K. Olsen, Esquire

JMW/SKO/phl